

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

<p>INNOVATION SCIENCES, LLC, Plaintiff, v. HTC CORPORATION, Defendant</p>	<p>Civil Action No.4:18-cv-00476-ALM <b><i>Consolidated Lead Case</i></b></p>
<p>INNOVATION SCIENCES, LLC, Plaintiff, v. HTC CORPORATION, Defendant</p>	<p>Civil Action No.4:19-cv-00752-ALM <b><i>Member Case</i></b></p>
<p>HTC CORPORATION, HTC AMERICA, INC., Plaintiffs v. INNOVATION SCIENCES, LLC, Defendant</p>	<p>Civil Action No.4:20-cv-00180-ALM <b><i>Member Case</i></b></p>

**OPPOSED MOTION OF INNOVATION SCIENCE, LLC TO  
EXTEND TIME TO SERVE RULE 3-1 AND 3-2 DISCLOSURES**

Plaintiff Innovation Sciences, LLC (“Innovation”) respectfully requests an extension of two weeks to serve its Rule 3-1 and 3-2 disclosures in *HTC II* (the 752 action) and *HTC III* (the 180 action). HTC Corporation and HTC America, Inc. have advised that they oppose the requested extension. Innovation previously served its infringement contentions in *HTC I* (the 476 action) and the timing as to those contentions are not at issue in this motion.

On March 12, 2020, the parties filed their Scheduling Conference Report with a proposed Case Schedule. [Doc. 19-1 in the 752 action]. That proposed schedule set May 21, 2020 as the date by which Innovation was to serve its Rule 3-1 and 3-2 disclosures. On December 30, 2019,

HTC had filed a motion to dismiss the 752 action. As a result, no action was taken on the parties' March 12 joint proposed schedule until May 11, 2020. On that day, this Court denied HTC's motion to dismiss and entered the schedule the parties had proposed on March 12. As noted above, that schedule sets Innovation's Rule 3-1 and 3-2 disclosure due date for 10 days later – May 21, 2020.

As this Court is aware, an investigation against HTC is proceeding in parallel at the International Trade Commission ("ITC"). Under the schedule entered in that proceeding, Innovation is working on responses to three motion for summary disposition (the ITC equivalent of a motion for summary judgment) all due on May 21, 2020, the same day as Innovation's Rule 3-1 and 3-2 disclosures in this case. The hearing in the ITC investigation (the ITC equivalent of a trial) is set for July 29 through August 4, 2020.

The combination of the ITC responses and the suddenness of the 10 day turn around for the Rule 3-1 and 3-2 disclosures here put Innovation in a scheduling jam. Accordingly, on May 18, 2020, Innovation asked HTC to agree to the requested two-week extension, offering to extend HTC's corresponding disclosure of invalidity contentions due date by the same amount. HTC refused that request on May 19, 2020, prompting Innovation to file the present motion as opposed.

Accordingly, Innovation respectfully requests and two-week extension of time to serve its Rule 3-1 and 3-2 disclosures in the 752 and 180 actions up to and including June 4, 2020. A proposed order is attached.

Dated: May 20, 2020

Respectfully submitted,

/s/ Donald L. Jackson

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**CERTIFICATE OF CONFERENCE**

On May 18, 2020, counsel for Innovation asked HTC if it would oppose the present motion for a two-week extension for Innovation's infringement contentions and offered to agree to the same extension for HTC's invalidity contentions. HTC's counsel refused to agree to that extension on May 19, 2020. On May 20, 2020, Innovation's counsel offered to discuss this issue further if HTC's counsel felt it necessary. HTC's counsel did not respond requesting a telephone call before the present motion was filed.

DATED: May 20, 2020

/s/ Donald L. Jackson  
Donald L. Jackson

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was filed on May 20, 2020 using the Court's CM/ECF system which will electronically serve all counsel who have consented to electronic service in compliance with Local Rule CV-5(a)(7)(D). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV- 5, any counsel of record who have not consented to electronic service were served with a true and correct copy of the foregoing by regular first class mail.

DATED: May 20, 2020

/s/ Donald L. Jackson  
Donald L. Jackson